CLASSIFICATION OFFICE DECISION

Title of publication:	yesnude_com.jpg
Other known title(s):	Not stated
OFLC ref:	1600388.019
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Commissioner of Police
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	07 July 2016
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	07 July 2016

Summary of reasons for decision:

The computer image file depicts a topless young woman sitting on a bed. The Classification Office has considered whether the image file promotes or supports the exploitation of young persons for sexual purposes in terms of s3(2)(a), but has concluded that it does not. The young woman may be aged in her mid-late teens or early twenties, but in any case does not unequivocally present as a young person. The image file's unrestricted availability is still likely to be injurious to the public good however. It depicts a young woman's nudity and presents her in a sexualised manner; it is likely that the image was taken with the express purpose of sexually arousing the viewer. The image is akin to 'soft' pornographic material that would otherwise be restricted to adults, or at least older teenagers since the image does not contain explicit sexual conduct. Such material is inappropriate for children and younger teens; there is potential for harm in exposing children and young teens to sexual material before they are developmentally ready, as it may negatively affect their development of sexual attitudes and behaviours. A mature understanding of sexual matters is required to contextualise the image. The computer image file is therefore restricted to persons at least 16 years of age. While this restriction limits the right to freedom of expression as provided by the New Zealand Bill of Rights Act 1990, it is considered reasonable and demonstrably justifiable in the interest of preventing likely injury to the public good.